

WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
THURSDAY, APRIL 22, 2004, 1:00 P.M.

CALL TO ORDER

Betty Willert, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Betty Willert, Chairperson Vy Janusonis Walter Baade
 Ellen Gennrich Walter Kolb (arrived at 1:20 p.m.)

Commission

Members Absent: Mareth Kipp

Staff

Members Present: Richard L. Mace, Planning and Zoning Manager
 Kathy Brady, Support Staff Supervisor
 Pam Linn, Senior Landscape Architect

Guests Present: Jerry Erdmann Richard Morris Daniel Millies
 Pam Meyer Mike Losee

PUBLIC COMMENT

Chairperson Willert asked if anyone from the audience wished to address the Commission?
There being no one, she moved to the next item on the agenda.

• **CZ-1519 (Brooks and Morris Farms, Inc.) Town of Oconomowoc, Section 1, (A-P Agricultural Land Preservation District to the A-1a Agricultural District)**

Mr. Mace presented the "Staff Report and Recommendation" dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located in the northeast corner of the Town of Oconomowoc. A Land Use Plan amendment request for the property from the A-P Agricultural Land Preservation category to the Suburban II Density Residential category was approved in 2002. The petitioner is requesting to rezone the property to the A-1a Agricultural District in order to create four parcels on the 20.7-acre parcel, which is consistent with the density recommended in the Land Use Plan. The word "public" was added to the Town's Condition No. 5, because the Town intended for the proposed road to be public to terminate in a cul-de-sac adjacent to the fourth lot and the proposed Certified Survey Map (CSM) indicated it as well. Adjacent properties are three to five acres in size.

Chairperson Willert asked what is planned for the rest of the property? Mr. Mace replied, the remnant parcel would remain in the ownership of Brooks and Morris Farms, Inc. and would continue to be farmed and is restricted on the CSM not to allow additional residential development on the lands in the future. Chairperson Willert expressed concerns that it was not specifically listed as a condition of the rezoning. Mr. Mace pointed out the Land Use Plan did not allow it. Mrs. Gennrich asked, "If the petitioner is creating four parcels on 20 acres, which is allowed under the current zoning, why is the rezoning being requested?" Mr. Mace answered, the current zoning is A-P Agricultural Land Preservation District (35-acre minimum lot size) and it is being proposed to be rezoned to the A-1a Agricultural District (one-acre minimum lot size). Mrs. Gennrich asked, "Why not change to a category which allows one unit per five acres?" Mr. Mace reiterated, the Land Use Plan did not allow it and the CSM restricts the density. Chairperson Willert pointed out that the Land Use Plan could be changed in the future. Mrs. Gennrich said, it could not be changed if a condition was placed on the rezone. Mr.

Mace said he did not feel it was appropriate to condition it so the petitioner would never be able to change the Land Use Plan for the property. Mrs. Gennrich said she did not object to the request, but did not understand why it would be rezoned to the A-1a Agricultural District. Mr. Mace asked if she thought the RRD-5 Rural Residential Density District 5 was appropriate? Mrs. Gennrich replied, "Yes", it would allow it to be clustered, allow the four lots and leave the rest in open space.

Mr. Morris, petitioner, said the A-1a Agricultural District was recommended by Mr. Depies, Waukesha County Senior Land Use Specialist. He added, the only portion of the property to be rezoned is for the four lots. Mrs. Gennrich asked if 20± acres was being rezoned as shown on the map attached to the "Staff Report and Recommendation?" Mr. Morris responded, "No". Mr. Mace said the map attached to the application submitted by the petitioner indicates 21 acres to be rezoned. He added, the legal description on the application clearly includes Parcel C (the old Certified Survey Map from 1966 which is 21.8 acres). Mr. Morris said that Mr. Depies told him only four acres would be rezoned. Chairperson Willert said if 21 acres are to be rezoned, the A-1a Agricultural District would be incorrect. She asked Mr. Morris if he was aware the application he submitted requests the entire parcel (21+ acres) to be rezoned? Mr. Morris replied that he understood now, but he was told it probably wouldn't. Mr. Mace suggested a condition be added which indicates there shall be no further division of the land until the Waukesha County Development Plan is amended to a category, which allows for a greater density. Mrs. Gennrich asked if the condition would be adequate? Mr. Mace replied "Yes", as long as it is enforced.

After discussion, Mr. Janusonis moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation" with the following added condition:

- 6. There shall be no further division of the land until the Waukesha County Development Plan is amended to a category, which allows for a greater density and a Deed Restriction providing for this request be recorded with the Register of Deeds Office prior to this amendment becoming effective.*

The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

Mr. Kolb arrived at the meeting.

- **SZ-1522 (Owen Salzman) Town of Oconomowoc, Section 24, (A-T Agricultural Land Preservation Transition District to the R-2 Residential District)**

Mr. Mace presented the "Staff Report and Recommendation" dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on C.T.H. "K" and Whittaker Road in the Town of Oconomowoc. The petitioner is proposing to create nine, approximately one-acre lots, which would front on Whittaker Road. The request complies with the Town and County Development Plans. He noted the petitioner indicates that Lots 1 through 3 would be sold at the present time and the remaining 6.9 acres would continue to be farmed for at least five years.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCZ-1524 (Robert Conley) Town of Oconomowoc, Section 30, (M-1 Limited Industrial District to the B-3 General Business District)**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph.

Mr. Mace indicated the property is located on Marks Road near S.T.H. 16 in the Town of Oconomowoc. The petitioner is proposing to revert the property back to the B-3 General Business District, for which it was zoned in 1992. He noted the petitioner intends to sell this parcel to the owner of the parcel to the northeast (Kwik Trip). The Town of Oconomowoc Plan Commission approved the rezoning request with conditions.

After discussion, Mrs. Gennrich moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **CU-1367 (Wayne and Rozalind Elz) Town of Ottawa, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for a commercial dog boarding facility (pet sitting service).

Mr. Mace indicated the property is located near C.T.H. “C” and C.T.H. “D”, more specifically on Moraine Hills Drive in the Town of Ottawa containing 4.88 acres. Mr. Janusonis explained the request is for more of a pet sitting service and not so much of a boarding service. The petitioner also intends to perform pet sitting at the pet owners properties. Chairperson Willert asked if the petitioner owns horses on the property? Mr. Mace replied, that he was not sure. Mr. Janusonis added he was also unsure, however, the petitioner is entitled to have three horses on the property. Mr. Mace said the Town Plan Commission has approved the request. Mr. Janusonis said that none of the neighbors expressed concerns or complaints at the Town Plan Commission meeting regarding the request.

After discussion, Mr. Kolb moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OTWT-2 (Wayne and Rozalind Elz) Town of Ottawa, Section 24**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes for Site Plan/Plan of Operation approval for the commercial dog boarding facility (pet sitting service).

After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances and is consistent with the Conditional Use Permit.

- **CU-1369 (Daniel Millies) Town of Vernon, Section 26**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit for earth-altering and grading activities beyond 30 ft. of the proposed foundation to reshape the land and allow a fully exposed basement for new home construction.

Mr. Mace indicated the property is located on Par Avenue in the Town of Vernon. He pointed out that the Edgewood Golf Course abuts the rear property line of the parcel. The property slopes approximately 10’ (front to rear of the lot) and the petitioner is proposing additional grading beyond 30’ of the foundation to allow a fully exposed basement. Mrs. Gennrich noted there would be more grading than usual, however, drainage doesn’t seem like it would affect the neighbors.

After discussion, Mr. Baade moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **SCU-1365 (Pamela Meyer) Town of Eagle, Section 25**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Conditional Use Permit to construct a ditch plug to restore a degraded wetland.

Mr. Mace indicated the property is located on C.T.H. “LO” in the Town of Eagle. The property contains a number of man made drainage ditches, which have been functioning since at least 1956. The increased drainage has degraded the wetland by reducing water levels. The US Fish and Wildlife Service will help the petitioner design and implement the project. Mrs. Gennrich commended the petitioner for taking on the project, which will ultimately help the Mukwonago River. Neighboring property owners were notified and did not object to the project.

Ms. Meyer, petitioner, stated since beginning the project in October 2003, the process for preserving a wetland (permits, etc.) was cumbersome and difficult for the landowner. She encouraged Waukesha County to possibly pass an Ordinance to make it less costly for the property owner. The permits alone for the project were approximately \$1,000.00, which included many levels of government to pass through for approval. Mr. Mace agreed, however, the paperwork submitted from the U.S. Fish and Wildlife Service was unreadable and poorly completed. The Waukesha County Land Resources Division utilizes the various reports submitted to permit the stormwater management for the site. Ms. Meyer said she was not notified until two days before this meeting that there were any issues with the elevations and there was not adequate time to submit a typed report, therefore, handwritten field notes were submitted. Mr. Mace pointed out that the GIS system on the Waukesha County Website shows elevations and other important information on properties, which is available to the public and other agencies. Some maps are not able to be accessed without a CAD program or printed without a plotter, however, the office would accommodate those needs. Mrs. Gennrich suggested the petitioner contact their County Board Supervisor regarding minimizing the amount of paperwork to complete a project of this type. Mr. Mace was unsure how that could work, and reiterated that the specific agencies involved should utilize the resources on the website which may somewhat facilitate the process.

After discussion, Mr. Janusonis moved, seconded by Mrs. Gennrich and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OTWT-3 (Freedom Fireworks) Town of Ottawa, Sections 2 and 3**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for the temporary outdoor sale of retail fireworks.

Mr. Mace indicated the property is located on the west side of S.T.H. 67 and south of S.T.H. 18 in the Town of Ottawa. Class “C” rated fireworks would be sold in accordance with State Statutes. Mr. Baade asked if there was adequate parking and if there were any parking concerns? Mr. Janusonis replied, according to the “Staff Report and Recommendation” there is ample parking, however, for safety reasons patrons should park well off of S.T.H. 67 when stopping to make a purchase.

After discussion, Mrs. Gennrich moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-GNT-10 (Retzer Nature Center) Town of Genesee, Sections 1 and 12**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for an addition to the Retzer Nature Center building.

Mr. Mace indicated the request is for a Learning Center and Planetarium addition, an outdoor amphitheater and two new wall signs. The Learning Center would contain additional offices, restrooms and storage, a new exhibit area, a workroom, an additional kitchen, a lobby and a multi-purpose room. He pointed out the location of the expansion, the additional parking and the new location of the entrance off of Madison Street. Ms. Linn, Senior Landscape Architect, presented a Site Plan containing the new location of the entrance with a 200’ buffer to the nearest property owner. The new parking lot would contain 21 spaces on the upper lot and 24 on the lower lot. The existing entrance road would become a 10’ walking trail and maintenance access. Mr. Kolb asked if the Planetarium was included in the bid offer at this time? Ms. Linn replied, “Yes”. Mr. Kolb asked if a private party has donated the money to build the Planetarium? Ms. Linn, answered that the School Board is using funds from the sale of land holdings to fund the Planetarium. She added there would be two separate bids and funding, one for the County and one for the School Board’s portion.

After discussion, Mr. Janusonis moved, seconded by Mrs. Gennrich and carried by a vote of 4 to 1 (Mr. Kolb voted against) for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

- **PO-04-OCOT-9 (Lake Country Hair Design) Town of Oconomowoc, Section 26**

Mr. Mace presented the “Staff Report and Recommendation” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a new hair and nail salon.

Mr. Mace indicated the property is located on S.T.H. 16 and C.T.H. "P" in the Town of Oconomowoc. The proposed salon would be located in the Brown Street Market Place shopping center and would offer services such as hair, nail and skin care services as well as tanning. There are 149 parking spaces for the entire plaza. He pointed out the location of the septic system and detention basin for the shopping center.

After discussion, Mr. Kolb moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-GNT-9 (Green Appeal Lawn Care, LLC) Town of Genesee, Section 14**

Mr. Mace presented the "Staff Report and Recommendation" dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a new lawn care business office and warehouse.

Mr. Mace indicated the property is located near C.T.H. "D" and "DE", on Little John Drive in the Town of Genesee. Surrounding properties include Wern Farms and the Wisconsin Southern Railroad. There was discussion regarding where the entrance road would be located and how the parking would relate to the wetland area on the east side of the lot. He noted, a new plan had been submitted which recognizes a buffer from the edge of the wetland to the parking lot. Mrs. Gennrich asked if a license was required for the chemical storage, are there guidelines for the storage of the chemicals and is recordkeeping required regarding purchasing and disposing of the chemicals? Mr. Mace answered that the septic system holding tank waste would be segregated from the floor drain waste. Mr. Losee said he was unsure if there were regulations regarding recordkeeping of purchasing and disposing of the chemicals but assumed there was. Mrs. Gennrich expressed concerns because the property was so close to the wetland. She asked if the storage of the chemicals was on concrete or an impervious surface? Mr. Mace replied, "Concrete".

After discussion, Mr. Janusonis moved, seconded by Mr. Kolb and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **PO-04-OCOT-10 (Lake Country Engineering, Inc.) Town of Oconomowoc, Section 26**

Mr. Mace presented the "Staff Report and Recommendation" dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting a Plan of Operation Permit for a civil engineering and surveying office.

Mr. Mace indicated the property is located on C.T.H. "P" in the Town of Oconomowoc and in the Brown Street Market Place shopping center.

After a brief discussion, Mrs. Gennrich moved, seconded by Mr. Baade and carried unanimously, for approval in accordance with the "Staff Report and Recommendation". The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

• **Jerry Erdmann/Reeser Family LLC) Town of Oconomowoc, Sections 11 and 14**

Mr. Mace presented the “Staff Memorandum” dated April 22, 2004, and made a part of these Minutes. He pointed out the location of the property on the aerial photograph and stated the petitioner is requesting approval for a “lot not abutting a public road” served by an easement, which was previously created without approval of the Commission.

Mr. Mace indicated the petitioner is in the process of purchasing the property (approximately 123 acres), however, the property did not receive the necessary approvals from the Town of Oconomowoc Plan Commission and the Waukesha County Park and Planning Commission for the creation of a parcel not abutting a public road when it was created in 1994.

He noted the property contains a great deal of wetland. Approximately 20 years ago, Mr. Matt sold land to Mr. Richter southeast of his farm with a 66’ easement for access. Subsequently, Mr. Richter constructed a residence on the parcel. Mr. Reeser purchased the property and Mr. Matt extended the rights for him to also use the same driveway, which was presumed to be available only to Mr. Richter. Mrs. Gennrich asked if Mr. Matt had Mr. Richter’s permission? Mr. Mace replied, “No”. There was a recent court case regarding the issue and the court found that Mr. Richter had exclusive use and rights to the easement. Mr. Erdmann, petitioner, is asking the Commission for an after-the-fact approval of the Reeser land not abutting a public road. It received approval from the Town of Oconomowoc Plan Commission at their meeting of March 29, 2004, with the condition that no further land divisions may occur until such time as a public road to C.T.H. “P” is constructed to town road standards. Mr. Erdmann pointed out the short-term use of the land would be for farming and recreation and in the future, possibly a residence.

After discussion, Mrs. Gennrich moved, seconded by Mr. Janusonis and carried unanimously, for approval in accordance with the “Staff Report and Recommendation”. The approval of this request, as conditioned, will allow the petitioner a reasonable use of his land and still promote and meet the intent and purposes of all County Ordinances.

There being no further business to come before the Commission, Mr. Janusonis moved, seconded by Mr. Baade to adjourn at 2:35 p.m.

Respectfully submitted,

Mareth Kipp
Secretary

MK:kb